

REMARKS

Reconsideration and allowance of the claims are requested in view of the above amendments and the following remarks. Claims 5, 14, 31, 33, 36, 37, 42 and 46–48 have been amended. Support for the claim amendments may be found in the specification and claims as originally filed. No new matter has been added. Claims 1–4 were previously canceled.

Upon entry of this amendment, claims 5–48 will be pending in the present application, with claims 5, 14, 31, 33, 36, 37, 42 and 46–48 being independent.

1. Rejections under 35 U.S.C. 102

Claims 46–48 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al. (2002/0054068). Applicants respectfully traverse this rejection for at least the following reasons.

The Office Action on page 2 asserts that Ellis et al. discloses receiving a user alert and a speculative user alert (citing Status 1104 in Figures 11a–11c and 12a+).

Ellis et al. discloses a display screen 1000 that provides a user with a recording information option 1004 and recording preferences option 1006 for specifying settings for recording a program (see paragraph 67; Figure 10). Ellis et al. also discloses recording information display screens 1125, 1150, 1175, 1200 and 1250 that may provide users with information that is related to programs that are selected for recording (see Figures 11a–11c and 12a–12b; paragraphs 68–77). A user may select one or more options on each display screen to view additional information about a program. Each of the display screens 1000, 1125, 1150, 1175, 1200 and 1250, are displayed to the user only in response to a request or selection entered by the user. However, Ellis et al. fails to disclose or suggest that any of the display screens 1000,

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1125, 1150, 1175, 1200 and 1250, are automatically constructed or received. As a result, Ellis et al. fails to disclose or suggest automatically receiving a user alert or speculative user alert, as included, in some form, in independent claims 46–48. As discussed in the specification of the present application:

At block 714, the client system constructs a tunable Alert based on the received enhanced data stream . . . At block 716, the tunable Alert is presented on the display device (see paragraph 94 and Figure 7a; emphasis added).

In contrast, Ellis et al. merely teaches that its recording system may be configured to automatically adjust to compensate for time changes of a program to be recorded (see paragraph 77).

Furthermore, the Office Action on page 3 fails to consider the claim elements of automatically receiving a speculative user alert, wherein the speculative user alert causes the Digital Video Recording system to record the televised event based on interests of the user without specific requests from the user to record the televised event, as included in claim 48. As discussed in the specification of the present application, a speculative alert causes a client system to record an event that is of particular interest, even though the viewer did not request the system to record the event (see paragraph 97). However, Ellis et al. discloses that its recording system may be configured to automatically adjust to compensate for time changes of a program to be recorded, but the recording system only records the program in response to a specific user request to record the program using one or more of the display screens 1000, 1125, 1150, 1175, 1200 and 1250.

Therefore, since Ellis et al. fails to disclose or suggest every element of claims 46–48, these claims are allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 46–48 under 35 U.S.C. 102(e) are respectfully requested.

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2. Rejections under 35 U.S.C. 103

A. Rejections Based on Alexander et al. and Jain et al.

Claims 5-11 and 13-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al (6,177,931) in view of Jain et al. (6,144,375). Applicants respectfully traverse this rejection for at least the following reasons.

The Office Action on page 4 asserts that Alexander et al. discloses receiving dynamic content including a plurality of program indices corresponding to predetermined time logs for at least one of the programs in the television programming, wherein the program indices are developed according to one or more rules that apply to a particular type of event captured by the television programming or according to user defined preferences (citing col. 12, lines 11-43; col. 19, lines 5-12; col. 31, lines 34-61).

Alexander et al. discloses that a viewer can instruct an EPG to record and index an extended period of programming. For instance, the viewer can instruct the EPG to record and index 4 hours of CNN news broadcasts (see col. 12, lines 11-17). Alexander et al. also discloses intra-program indexing using information transmitted in the VBI of the video transmitted. So a recording of CNN would likely show indexing breakdowns based on themes such as "International News", "National News", "Sports", etc. (see col. 12, lines 23-29). Alexander et al. also discloses indexing based on a constant time interval or analysis of audio content (see col. 12, lines 30-43). Additionally, Alexander et al. discloses that the EPG and a Profile Program may use basic viewer profile data to search for news stories that are likely to suit the viewer's interests (see col. 31, lines 34-38). However, Alexander et al. fails to disclose or suggest indexing based on event-specific rules. For example, as discussed in the specification of the present application with respect to indexing of sporting events:

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. . . the Sports Content Aggregator 402(1) also generates a game log of indices of those sporting events according to predetermined game rules that apply to particular sporting events. The indices are created from the various data feeds provided by the Sports Data providers 414, and include data concerning game play such as when a ball is snapped, when a time out is called, and the like . . . In this example, a first game rule may require a log to be captured each time the football is placed into play, i.e., each time the ball is placed into play from a scrimmage and for any kick-off. A second rule may require a log to be captured whenever the whistle blows ending a play . . . In this way, the Content Aggregator 402 creates real-time DVR data that may . . . permit a “smart skip” or “intelligent skip” forward and backward DVR playback to enable a viewer to jump between plays of interest . . . (see paragraph 54; emphasis added).

Therefore, Alexander et al. fails to disclose or suggest the elements of receiving dynamic content including a plurality of program indices corresponding to predetermined time logs for at least one of the programs in the television programming, wherein the program indices are developed according to one or more rules that apply to a particular type of event captured by the television programming, as included, in some form, in independent claims 5, 14, 31, 33, 36, 37 and 42. Jain et al. fails to cure this defect in Alexander et al.

The Office Action on page 5 cites Jain et al. in asserting that the reference teaches associating one of the program indices with at least one stored program segment (citing Figures 7 and 8; col. 6, lines 27–62; col. 8, lines 36–59; col. 9, lines 40–59; col. 16, lines 1–59; col. 18, line 53 – col. 19, line 8; col. 22, line 16 – col. 24, line 1+). However, Jain et al. fails to disclose or suggest the elements of receiving dynamic content including a plurality of program indices corresponding to predetermined time logs for at least one of the programs in the television programming, wherein the

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program indices are developed according to one or more rules that apply to a particular type of event captured by the television programming, as included, in some form, in independent claims 5, 14, 31, 33, 36, 37 and 42.

Therefore, since Alexander et al. and Jain et al., alone or in combination, fail to disclose or suggest every element of claims 5, 14, 31, 33, 36, 37 and 42, these claims are allowable.

Claims 6–11 and 13 depend from claim 5. Claims 15–30 depend from claim 14. Claim 32 depends from claim 31. Claims 34–35 depend from claim 33. Claims 38–41 depend from claim 37. Claims 43–45 depend from claim 42. As discussed above, claims 5, 14, 31, 33, 37 and 42 are allowable. For at least this reason, and the additional features recited therein, claims 6–11, 13, 15–30, 32, 34–35, 38–41 and 43–45 are also allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 5–11 and 13–45 under 35 U.S.C. 103(a) are respectfully requested.

B. Rejections Based on Alexander et al., Jain et al. and Ellis et al.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. in view of Jain et al. and further in view of Ellis et al. Applicants respectfully traverse this rejection for at least the following reasons.

As discussed above, Alexander et al. and Jain et al., alone or in combination, fail to disclose or suggest the elements of receiving dynamic content including a plurality of program indices corresponding to predetermined time logs for at least one of the programs in the television programming, wherein the program indices are developed according to one or more rules that apply to a particular type of event captured by the television programming, as included in independent claim 5. Ellis et al. fails to cure this defect.

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The Office Action on page 12 cites Ellis et al. in asserting that the reference teaches reducing a recording time (citing paragraphs 68–75, 77–80 and 82–86). However, Ellis et al. fails to disclose or suggest the elements of receiving dynamic content including a plurality of program indices corresponding to predetermined time logs for at least one of the programs in the television programming, wherein the program indices are developed according to one or more rules that apply to a particular type of event captured by the television programming, as included in claim 5.

Therefore, since Alexander et al., Jain et al. and Ellis et al., alone or in combination, fail to disclose or suggest every element of claim 5, this claim is allowable.

Claim 12 depends from claim 5. As discussed above, claim 5 is allowable. For at least this reason, and the additional features recited therein, claim 12 is also allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claim 12 under 35 U.S.C. 103(a) are respectfully requested.

3. Conclusion

Accordingly, in view of the above amendments and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the present application is requested. Based on the foregoing, applicants respectfully request that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the applicants' attorney at the telephone number listed below.

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If this response is not considered timely filed and if a request for an extension of time is otherwise absent, applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,
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